

document images are fit onto letter size paper, with reference to column 6, lines 40-51. It is respectfully submitted that this portion of the patent teaches away from obtaining such a result. Specifically, this passage discloses that the controller could assume that all of the documents in the set of originals are of the same size as the largest sheet. It concludes:

If this document size assumption was incorrect, *due to mixed size originals*, this would respectively result in smaller size original images being *inappropriately* printed on paper that is too large ..., or, all the smaller size original images being printed with *inappropriately* reduced images ... (emphasis added)

After teaching that such a result would be "inappropriate", the next paragraph of the patent goes on to describe a "more efficient and accurate" mixed originals mode. In this mode, the size of each original is individually detected and printed onto paper of the correct size for that original, as discussed in Applicants' previous response.

Accordingly, it is respectfully submitted that the Salgado patent does not teach a person of ordinary skill in the art to print all of the image data of a print job, that contains images of various sizes, onto paper with a size equal to or larger than the detected maximum size. Rather, the above-quoted passage teaches that such a procedure should be *avoided* because it produces "inappropriate" results.

As stated by the Court of Appeals for the Federal Circuit, "prior art references... must be read as a whole and consideration must be given where the references diverge and teach away from the claimed invention." *Akzo N.V. v. International Trade Commission*, 1 USPQ2d 1241, 1246 (Fed. Cir. 1986). If one follows the teachings of the Salgado patent, when considered as a whole, he or she

would not arrive at the claimed apparatus. Withdrawal of the rejection of claim 6 is therefore respectfully requested.

Claims 7, 10 and 11 were again rejected on the basis of the Kamijo reference (JP 10174052). In their previous response, Applicants pointed out that this reference discloses that different images are scaled by different respective scaling factors, and therefore does not anticipate the claims. In reply, the most recent Office Action alleges that the Kamijo reference discloses that "all images are reduced using the same reduction scaling factors." It is respectfully submitted that this assertion is not supported by the reference.

Figure 2 illustrates an example of the procedure disclosed in the Kamijo reference. Figures 2(a) - 2(d) depict the original images, see Paragraph [0015]. These original images range in size from 100 x 100 pixels to 1000 x 1000 pixels. Figures 2(a')-2(d') depict the same images after they have undergone the procedure described in the reference. It can be seen that these images have not been reduced by the same scaling factor. The image of Figure 2(a) remains at the same size (100 x 100 pixels), whereas the image of Figure 2(b) is reduced by 85% on each side (150 x 150 pixels). The images of Figures 2(c) and 2(d) are likewise reduced by different respective amounts.

From this sequence of figures it is believed to be apparent that the Kamijo reference does not disclose that all of the images are reduced by the same scaling factor. Rather, each image is reduced by a *different* respective scaling factor that is determined from its particular size.

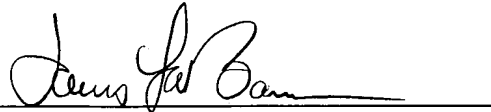
For the reasons presented in Applicants' previous response, and discussed further in this response, it is respectfully submitted that the pending claims are not

anticipated, nor otherwise suggested, by the references. Reconsideration and withdrawal of the rejections is respectfully requested.

Respectfully submitted,  
BUCHANAN INGERSOLL & ROONEY PC

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By:

A handwritten signature in black ink, appearing to read "James A. LaBarre", is written over a horizontal line.

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